

Notice of Allowability

Application No.

09/827,982

Examiner

Gentle E. Winter

Applicant(s)

VARTAK ET AL.

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1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper 041504.
2. ☒ The allowed claim(s) is/are 38-40, 43-51, 53-69 renumbered as 1-29.
3. ☒ The drawings filed on 06 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 April 2004 has been entered.

Response to Remarks

2. Applicant has cancelled all rejected claim in favor of the presently pending claims. The current claims are not rejected.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Ralph J. Crispino on June 17, 2004.

5. The application has been amended as follows:

6. Claim 38 has been amended as follows:

38. (Currently Amended) A rechargeable electrochemical cell system comprising:
a plurality of rechargeable cells, each rechargeable cell including

a first electrode, a second electrode, and a third electrode electrically isolated from the second electrode; wherein each cell is configured for being discharged upon application of a load across the first electrode and the second electrode, and

wherein each cell is configured for being independently recharged upon application of the voltage across the first electrode and the third electrode of each cell in isolation from the other cells;

wherein the voltage for the recharging is applied by one or more transformers; and

wherein the transformer comprises a single primary winding and a plurality of secondary windings, each secondary winding associated with a third electrode and a corresponding cell.

7. Claims 41, 42, and 52 are cancelled without prejudice.
8. In claim 43 replace: "claim 42" with --claim 38--.

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9. In claim 44 replace: "claim 41" with --claim 38--.
10. In claim 47 replace: "claim 42" with --claim 38--.
11. In claim 48 replace: "claim 42" with --claim 38--.

12. Claim 66 has been amended as follows:

66. (Currently Amended) A method of recharging the rechargeable cell system of claim 38 comprising: applying a discrete power source to each cell which is isolated from the power source associated with the other cells.

1. The following is an examiner's statement of reasons for allowance:

United States Patent No. 6,358,651 to Chen et al. discloses a battery similar to that disclosed in the independent claim. Chen fails to disclose that the transformer comprises a single primary winding and a plurality of secondary windings, each secondary winding associated with a third electrode and a corresponding cell. United States Patent No. 5,656,915 to Eaves discloses a plurality of cells and a transformer. There appears to be only a single secondary coil, see *e.g.* column 4, line 20 *et seq.* and element 7s of drawings 1-5 and relevant associated text. The general concept of the presence of a plurality of secondary winding is similarly known, see *e.g.* United States Patent No. 3,652,915 to Eberts.

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2. As noted above, no reference appears to identically teach the combination of the three-electrode system, transformer configuration, and plurality of isolated, independently rechargeable, batteries.
3. Further, while Chen, Eaves, and Eberts, in the aggregate, appear to teach each and every element of the invention, as claimed, the references, and the prior art of record, apparently fail to provide the requisite motivation for making the instantly claimed combination. For the foregoing reasons, and others, claims 38-40, 43-51, and 53-69 (renumbered as 1-29) are believed to recite patentable subject matter.
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gentle E. Winter whose telephone number is (571) 272-1310. The examiner can normally be reached on Monday-Friday 7:00-3:30.

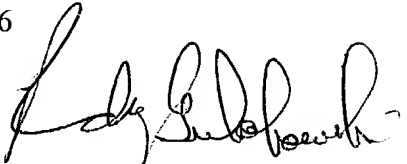
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions on access to the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gentle E. Winter
Examiner
Art Unit 1746

June 18, 2004



RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700